



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

September 20, 2010

Mr. Dan Meador
Assistant General Counsel
Texas Department of State Health Services
P.O. Box 149347
Austin, Texas 78714-9347

OR2010-14212

Dear Mr. Meador:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 399105 (DSHS File 17848-2010).

The Texas Department of State Health Services (the "department") received a request for information pertaining to complaint number 1070-09-0027. You claim the submitted information is excepted from disclosure under section 552.101 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

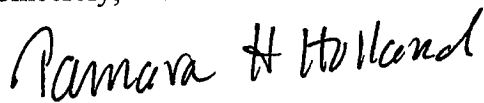
We note this office recently issued Open Records Letter No. 2010-13272 (2010), a previous determination authorizing the department to withhold complaint and investigative documents under section 552.101 of the Government Code in conjunction with section 605.2021(h) of the Occupations Code, unless the exceptions to confidentiality listed in section 605.2021(h) are applicable or section 605.2021(i) applies. *See* Occ. Code § 605.2021(h), (i). You indicate the submitted information does not contain any of the types of information listed in section 605.2021(h), and there is no indication section 605.2021(i) is applicable in this instance. Therefore, pursuant to Open Records Letter No. 2010-13272, the department must withhold the submitted information under section 552.101 of the Government Code in conjunction with section 605.2021(h) of the Occupations Code. *See* Open Records Decision No. 673 (2001) (governmental body may rely on previous determination when elements of law, facts, and circumstances have not changed, decision concludes specific, clearly delineated category of information is excepted, and governmental body is explicitly

informed it need not seek a decision from this office to withhold information in response to future requests).

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.oag.state.tx.us/open/index_orl.php, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act must be directed to the Cost Rules Administrator of the Office of the Attorney General, toll free at (888) 672-6787.

Sincerely,

A handwritten signature in black ink that reads "Tamara H. Holland". The signature is written in a cursive, flowing style.

Tamara H. Holland
Assistant Attorney General
Open Records Division

THH/em

Ref: ID# 399105

Enc. Submitted documents

c: Requestor
(w/o enclosures)